

United States District Court

New Mexico

Civil Document No: 1:23-CV-00120-SCY

Plaintiff: Kenneth Pitts "PRO SE"

V.

Defendant: San Juan College

PARTIES' JOINT NOTICE TO COURT ON STATUS OF APPEAL

Pursuant to the Court's Order Regarding Status Report (Doc 44), the parties hereby inform the Court that, on January 13, 2025, the United States Court of Appeals for the First Circuit entered the attached Judgment (attached hereto as **Exhibit A**), stating that Kenneth Pitts' (pro se) appeal is dismissed without prejudice for lack of jurisdiction.

As of January 21, 2025, the Parties' approve and do hereby respectfully request the Stay be lifted allowing for immediate scheduling of a Status Conference.

Respectfully submitted by,

The Plaintiff (pro se),
/s/ Kenneth A. Pitts
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and
/s/ Luke A. Salganek
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Dated: January 22, 2025

CERTIFICATE OF SERVICE

I, Kenneth A. Pitts, the Plaintiff, hereby certify that I have served a copy of the foregoing APPEAL STATUS REPORT, via email to: minich@litchfieldcavo.com and lsalganek@mstlaw.com, on:

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Dated: January 22, 2025
/s/ Kenneth A. Pitts
Kenneth A. Pitts

Exhibit A

United States Court of Appeals For the First Circuit

No. 23-1169

KENNETH PITTS,

Plaintiff - Appellant,

v.

SAN JUAN COLLEGE,

Defendant - Appellee.

Before

Montecalvo, Rikelman and Aframe,
Circuit Judges.

JUDGMENT

Entered: January 13, 2025

Having reviewed plaintiff-appellant's response to this court's March 3, 2023 order to show cause, we conclude that it fails to establish a basis for appellate jurisdiction. Because this appeal seeks review of an order that effected a transfer of the underlying action under 28 U.S.C. § 1631, the substance of that order is not immediately reviewable. Subsalve USA Corp. v. Watson Manufacturing, Inc., 462 F.3d 41, 47 (1st Cir. 2006). Accordingly, the appeal is dismissed, without prejudice, for lack of jurisdiction. The motion for appointment of counsel is denied as moot and without prejudice to refiling in the court of transfer.

By the Court:

Anastasia Dubrovsky, Clerk

cc:

Kenneth Allen Pitts
Luke A. Salganek